

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIASAT, INC.,

Plaintiff,

v.

**WESTERN DIGITAL CORPORATION
and WESTERN DIGITAL
TECHNOLOGIES, INC.,**

Defendants.

Case No.: 6:21-cv-01230-ADA

JURY TRIAL DEMANDED

VIASAT, INC.,

Plaintiff,

v.

**KIOXIA CORPORATION and KIOXIA
AMERICA, INC.,**

Defendants.

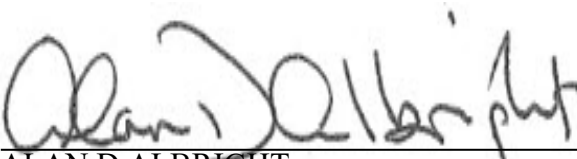
Case No.: 6:21-cv-01231-ADA

JURY TRIAL DEMANDED

CLAIM CONSTRUCTION ORDER

On December 14, 2022, the Court provided the parties with its preliminary constructions. In response to the preliminary constructions, the parties waived an oral hearing on the constructions of the disputed terms while preserving their appellate rights. The Court now enters its final constructions.

SIGNED this 15th day of December, 2022.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

I. Agreed Construction

Term	Agreed Construction
modify the coding rate / modifying a coding rate / changing a coding rate (’700 patent claims 10, 16, 23, 24, 25; ’347 patent claims 2, 14) ¹	change / changing the ratio between the user data bits and the total bits

II. ’700 Patent

Term	Viasat’s Proposed Construction	Defendants’ Proposed Construction	Preliminary Constructions
decode the received encoded data to generate a plurality of partially decoded data streams (claim 1)	process the received encoded data to generate more than one data stream for error detection	plain and ordinary meaning	Plain and ordinary meaning.
error detection sub-modules (claims 1, 15, 17)	not subject to § 112, ¶ 6 not indefinite plain and ordinary meaning	35 U.S.C. § 112 ¶ 6; indefinite for failure to disclose corresponding structure. Structure: None disclosed. Functions: “receive a different one of the plurality of partially decoded data streams; detect whether a portion of the respective received stream contains an error; and forward the	Not subject to § 112, ¶ 6. Not indefinite. Plain and ordinary meaning.

¹ Viasat has asserted these claims only against Western Digital.

Term	Viasat's Proposed Construction	Defendants' Proposed Construction	Preliminary Constructions
		portion of the respective received stream containing an error to an error correction module” (claim 1); “detect whether a portion of the respective received stream contains an error; and forward the portion of the respective received stream containing an error to an error correction module” (claims 15, 17)	
operating in parallel (claims 1, 4, 15, 17, 19)	plain and ordinary meaning	Kioxia: performing error detection [claims 4 & 19: correction] at the same time Western Digital: plain and ordinary meaning	Plain and ordinary meaning.
error correction module (claims 1, 15, 17)	not subject to § 112, ¶ 6 not indefinite plain and ordinary meaning	35 U.S.C. § 112 ¶ 6; indefinite for failure to disclose corresponding structure. Structure: None disclosed. Function: “correct the [received / forwarded] portions of the respective received streams containing an error”	Not subject to § 112, ¶ 6. Not indefinite. Plain and ordinary meaning.

forward the portion of the respective received stream containing an error to an error correction module (claims 1, 15, 17)	communicate the data in which an error was detected from the error detection sub-module to an error correction module	Kioxia: data containing an error is sent from the error detection sub-module to an error correction module	Plain and ordinary meaning.
the error correction module, . . . physically separate from [the/an] error detection module (claims 1, 15, 17)	plain and ordinary meaning	error correction module, . . . employing only circuitry that is not employed by the error detection module	Plain and ordinary meaning.
error monitoring module (claims 6, 7, 11, 12) ²	not subject to § 112, ¶ 6 not indefinite plain and ordinary meaning	35 U.S.C. § 112 ¶ 6; indefinite for failure to disclose corresponding structure. Structure: None disclosed. Function: “monitor a rate of errors from the error detection module [for each of a plurality of sectors of the flash memory]”	Not subject to § 112, ¶ 6. Not indefinite. Plain and ordinary meaning.
the error detection module comprises the decoding module (claim 14) ³	not indefinite plain and ordinary meaning	indefinite	Not indefinite. Plain and ordinary meaning.

² Viasat has asserted these claims only against Western Digital.

³ Viasat has asserted this claim only against Western Digital.

III. '347 Patent

Term	Viasat's Proposed Construction	Western Digital's Proposed Construction	Preliminary Constructions
error correction sub-module (claims 1, 13) ⁴	not subject to § 112, ¶ 6 not indefinite plain and ordinary meaning	35 U.S.C. § 112 ¶ 6; indefinite for failure to disclose corresponding structure. Structure: None disclosed Function: "correct errors in the data stream associated with the flash memory"	Not subject to § 112, ¶ 6. Not indefinite. Plain and ordinary meaning.

⁴ Viasat has asserted this patent only against Western Digital.